

MINUTES
BOARD OF ADJUSTMENT
May 1, 2008

THOSE IN ATTENDANCE:

Gary Soule, Chairman	Jason Jaggi, Planner
Mel Disney	Lee Curtis, Acting City Attorney
Rick Bliss	
Victor Cohen	
Kevin Williams	

Chairman Soule called the meeting to order at 5:00 p.m. He welcomed everyone to the meeting, introduced himself and asked that the other members of the Board introduce themselves.

MINUTES

The minutes of the meeting of April 3, 2008 were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Soule indicated that there is one item to be considered this evening and confirmed the attendance of the applicant. He stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He indicated that a full compliment of the Board consists of five members and that four members must vote in favor of a variance in order for a variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He reminded everyone that all testimony is tape-recorded and the minutes produced from this recording. He then asked that all individuals wishing to speak to please speak clearly. He stated that generally, the City will present its exhibits first, after which the applicant will make their presentation, then questions/comments from the Board members will ensue after which audience comments will be solicited and finally, a vote will take place.

Chairman Soule indicated that the next order of business is the election of the Chairman and Vice-chairman.

Rick Bliss nominated Gary Soule to continue his service as Chairman. The nomination was seconded by Victor Cohen and received unanimous approval of the Board.

Rick Bliss nominated Mel Disney to continue his service as Vice-chairman. The nomination was seconded by Victor Cohen and received unanimous approval of the Board.

APPEAL FROM FONTBONNE UNIVERSITY FOR THE PROPERTY AT 6800 WYDOWN
BOULEVARD (SCIENCE BUILDING)

Mr. Alfred Henneboehle, Attorney representing Fontbonne, Mr. Gary Zack of Fontbonne and Steve DeHekker, project architect, were in attendance at the meeting.

Everyone wishing to speak this evening regarding this appeal was sworn in by the recording secretary.

Mr. Tom Currier, Clayton resident, asked about the project. (He was not sworn in at this time).

Chairman Soule asked Jason Jaggi to provide an overview of the appeal.

Jason Jaggi began a PowerPoint presentation, first presenting a slide depicting the subject property showing the location of the Science Building and other campus buildings. A slide depicting the property's zoning designation and that of surrounding properties was presented. He indicated that the subject property is zoned R-2 (Single Family Dwelling District); parcels to the west are zoned R-1 (Large Lot Single Family Dwelling District) and the parcels to the east and south are also zoned R-2. Jason indicated that other Clayton universities are also zoned R-2. He stated that the subject 3-story science building was constructed sometime in the 1920's and is set back from Big Bend approximately 66 feet. Jason informed the members that the addition will be 46' long fronting Big Bend and will house restrooms, a lounge and new greenhouse. An aerial map was presented as well as various site photos. Jason indicated that the applicant is seeking relief from Section 15.3 of the Zoning Ordinance to allow the addition to encroach 7.62 feet into the required 74 foot front yard setback. Jason reminded the members that all the City's universities are zoned R-2 and that they all operate under a Conditional Use Permit.

Chairman Soule asked if there were any questions from the Board members at this time.

None were received.

Chairman Soule asked where the front yard is.

Jason Jaggi explained that the City's Zoning Ordinance establishes two front yards for corner lots thereby requiring front yard setbacks along both street frontages.

Chairman Soule asked if Big Bend is considered a front yard for purposes of determining setbacks.

Jason Jaggi replied "yes".

Chairman Soule asked if the City would like to present its exhibits.

Acting City Attorney Curtis presented the following exhibits with regard to the application. He asked that they be entered into the record on behalf of the City:

- A. City's Code of Ordinances, specifically the Article referencing the Board of Adjustment and Section 15.13;
- B. Application for Zoning Review submitted by the applicant;
- C. Zoning Review denial letter;
- D. Application for Appeal and supplemental correspondence;
- E. Drawings prepared by Hastings & Chivetta Architects;
- F. Staff Report.

Chairman Soule indicated that all Exhibits will be received.

Mr. Henneboehle asked that their PowerPoint presentation be entered into record as an Exhibit.

Chairman Soule noted that the presentation will be marked as applicant's Exhibit 1.

Mr. Henneboehle stated that he appreciates this opportunity and introduced Mr. Zack and DeHekker to the members. He stated that Mr. DeHekker will present alternatives that were considered and explain why those alternatives will not work. He stated that Fontbonne started out in 1925 with three buildings, one being the Science Building and that Fontbonne went co-ed in the 1970's. A slide depicting a photo of the Science building was presented. He stated they desire to renovate this building, but retain its original architecture and configuration to maintain symmetry. He stated that the 14.64 acre site is located in the R-2 Zoning District. A slide depicting a survey of the property and the subject building incorporating the proposed addition was presented. He stated that the length of the building would increase by approximately 46 feet. A slide outlining the reasons for appeal was shown. Mr. Henneboehle noted that the addition will be built in line with the existing building. A slide and rendering of what the building will look like after the addition and renovation is completed was presented. A slide depicting proposed floor plans was presented. Mr. Henneboehle noted that the City Ordinance requires that an extreme hardship or practical difficulty exist for a variance to be granted and mentioned that the building was constructed prior to the Ordinance being in place. He stated the difficulties are the size of the lot and its use as a campus. He stated that to demolish the entire building and reconstruct it would be cost prohibitive. He stated the building, in its current condition, is obsolete and that granting the variance would observe the spirit of the Zoning Ordinance. He stated there will be no tunnel effects as a result of the addition, that it will not impair light or air on adjacent properties and will eliminate some unsightly conditions of the building (i.e. window air conditioning units), but retain the functionality of the campus. Mr. Henneboehle noted that alternatives that were considered and why they will not work will be discussed later. He stated that he does not believe that granting this variance would create an adverse impact, but rather a positive one.

Mr. Zack informed the Board that no substantial upgrades have been done on this building (used for academic and office space) since it was constructed and that these proposed improvements are necessary to maintain the level of academic quality that is expected. He stated this \$12

million project is the most significant upgrade in Fontbonne's history and includes a complete (gut) renovation of the entire building, the addition of ADA accessible elevators and restrooms, removal of lead paint and asbestos and an increase in energy efficiency. He stated this project is very important to Fontbonne.

Mr. DeHekker advised the members that four alternatives were considered and that they were all found to be unsatisfactory, as follows: Alternative No. 1 failed to meet the required setbacks and failed to address the need to upgrade the restrooms; Alternative No. 2 resulted in the loss of all toilets on all 3 floors and negatively effected the greenhouse; Alternative No. 3 resulted in too small of an addition to adequately update the building; and Alternative No. 4 resulted in too small of a greenhouse and a negative impact on the campus appearance as a whole.

Rick Bliss referred to the new dormitories at Washington University and the concern that was raised about noise from the HVAC units. He asked where the new HVAC units will be located for this building.

Mr. DeHekker stated that they will be on the roof and screened with mechanical screening. He stated that they should not be able to be seen from ground level.

Rick Bliss asked if the greenhouse will act as a floodlight into the neighborhood. He stated the greenhouse is being moved up to the second floor and enlarged, so he is concerned about lighting at night.

Mr. DeHekker stated that when the greenhouse is not in operation, it will not be lit.

Mr. Zack informed the members that the greenhouse is currently not and will not be lit 24 hours/day. He stated they are willing to work with a schedule if the City requests such. He added that everything to the north is fully lit until 10 p.m.

Rick Bliss asked if the property line is east of the curb.

Jason Jaggi replied "yes"; the property line is a foot or so behind the sidewalk along Big Bend.

Mel Disney asked if this project would go before the Plan Commission/Architectural Review Board prior to building permit issuance.

Jason Jaggi replied "yes". He stated the Board of Aldermen would also need to approve a Conditional Use Permit.

Mel Disney asked if the addition of toilets per the proposal will bring the building up to Code.

Mr. DeHekker replied "yes". He stated the building is currently severely deficient with regard to the number of toilets.

Mel Disney asked if the location of the stairs comply with existing requirements.

Mr. DeHekker replied “yes”.

Mel Disney stated he appreciates the color renderings and that the plans are not as clear as the renderings. He stated he hopes the addition does not look like an addition. He asked about materials.

Mr. DeHekker indicated that the addition will be limestone/granite to match existing and that windows will aluminum/glass to match existing.

Mel Disney stated that he believes that if Alternate No. 4 was utilized, that the addition would look like an addition.

Mr. DeHekker stated that in addition to that, the greenhouse would be smaller.

Mel Disney asked the result if the building were to be expanded toward the south.

Mr. DeHekker indicated that placing the addition on the south would negatively impact the functionality of the existing covered walkway.

Kevin Williams asked if there are any plans to finish the 3 ½' screen wall.

Mr. DeHekker indicated that there are currently no plans to finish/extend the wall, but they could do that. He noted that consideration of utilities would have to be given.

Mr. Henneboehle commented that finishing the wall would be part of the Architectural Review Board consideration.

Chairman Soule noted that Fontbonne's lot is smaller than that of Washington University and Concordia Seminary.

Jason Jaggi agreed.

Chairman Soule commented that it is his understanding that the proposed renovations will bring the building up to current Code.

Jason Jaggi agreed.

Chairman Soule asked if it is correct that staff believes that the spirit of the Zoning Ordinance and public welfare is not being compromised by this request.

Jason Jaggi concurred.

Chairman Soule asked if staff believes that the addition is rather minimal and will not create any additional fire safety issues, reduce property values or impair the public health, safety, comfort, morals and welfare of the City.

Jason Jaggi stated that there are no foreseeable adverse impacts resulting from granting this variance.

Chairman Soule asked if staff believes the addition will improve the safety of the building.

Jason Jaggi replied “yes”.

Chairman Soule asked if there were any further questions or comments from the Board members or any questions or comments from the audience.

Mr. Currier, 23 Wydown Terrace, was sworn in. He asked about the east building’s HVAC system.

Mr. Zack stated those buildings differ in their uses.

Mr. Currier commented that the aesthetics of the HVAC renovation on the southwest building is extremely poor.

Mr. Alan Kalb, 5 Forest Ridge, stated that it does not appear that his property will be harmed by the granting of this variance and that it seems as though the alternatives do not meet Fontbonne’s needs, but that they do meet City requirements. He stated he would like to see some give and take and asked that an alternative be chosen.

Mr. Henneboehle stated that they had to look at the entire building, not just the addition, when designing this renovation.

Chairman Soule asked if it is staff’s opinion that this variance is being sought solely as a matter of convenience.

Jason Jaggi stated that the applicant has put forth great efforts to avoid seeking a variance and that the proposal before this Board this evening meets the best needs of their uses and is best regarding a design perspective. He stated that staff weighed all the factors and that the City has no formal objections to the proposal.

Chairman Soule asked if staff has any reason to believe this request is based on financial or economic reasons.

Jason Jaggi stated there is nothing to suggest that.

Chairman Soule asked if the request is based on design and building code factors.

Jason Jaggi replied “yes, partially.”

Chairman Soule asked if it is staff’s opinion that the addition is practical in terms of placement.

Jason Jaggi replied “preliminarily, yes”. He reminded the members that the Architectural Review Board considers design and materials.

Chairman Soule reiterated that this is only the first step in the approval process. He stated that he believes there was some give and take as the Code requirements are being fulfilled as a result of this project.

Jason Jaggi commented that staff, as well as the applicant, took a lot of time with this proposal. He stated the building will be safer as it will meet Code and that the addition seems to fit the existing structure.

Chairman Soule made a motion to grant an 8 foot variance from the front yard setback requirement along Big Bend of 74 feet to allow the construction of an addition to the Science Building. The motion was seconded by Rick Bliss and unanimously approved by the members.

Chairman Soule thanked the applicant for their thorough presentation. He informed the audience that there will be future meetings regarding this project at which they will have an opportunity to be heard.

Being no further business for the Board of Adjustment, this meeting adjourned at 6:10 p.m.

Recording Secretary